

Appl. No. 10/660,543  
Amdt. June 27 , 2006  
Reply to Office action dated June 1, 2006

#### REMARKS/ARGUMENTS

Claims 1-3, 5, 8-11, 16 and 17 remain in this application for consideration. The Examiner has rejected the two independent claims 1 and 17 for anticipation by the newly cited Bell reference. For the reasons presented hereinbelow, it is submitted that this rejection was improper and that the claims presented are allowable over Bell and all other cited prior art.

The applicant's invention, as defined in claims 1 and 17, is directed to a novel apparatus and method for measuring the distance traveled by an object along a fixed arcuate path. The claimed apparatus includes an electrically conductive member that is movable along that path by an amount representative of the movement and position of the object whose relative position is to be determined. A plurality of spaced and insulated electrical contacts are arranged along this path. As the member moves along the path it comes into electrical contact with one of these contacts. Each of the contacts is respectively operatively connected to one of a corresponding plurality of memory locations or addresses of a data-storing means or memory.

In accordance with the present invention, a different preset distance-measurement data is stored in each of these memory locations, that data being unique to each memory location. That is, the distance-measurement data stored in each memory location corresponds uniquely to the relevant position of the contact to which it is respectively connected. There is in applicant's apparatus, as claimed herein, a one-to-one, unique relationship between the preset distance-measurement data stored respectively in the memory locations and the individual contacts to which the data-storing memory locations are respectively connected. Only the distance-measurement data stored in the memory location connected to the contact then engaged by the movable member is then applied to an output device. The information displayed on the output device is the distance-measurement data stored in that memory location and thus represents the distance traversed by the object in question along the arcuate path.

The Examiner has again rejected the claims for anticipation, this time by the Bell reference. Once again, applicant submits that there are significant distinctions between his claimed invention and the apparatus disclosed in Bell,

who discloses a borehole angular deviation measuring apparatus in which a pendulum 37 pivots in accordance with the deviation of the borehole from verticality. The lower tip of the pendulum contacts one of the angularly spaced conductor elements 34. Each of these elements is respectively connected to a plurality of oscillators 25, each of which generates an analog signal of a different frequency that is proportional to the magnitude of the borehole deviation. A receiver 16 discriminates between the different oscillator output signals and correlates the sensed frequency with the measured borehole deviation.

The Examiner in rejecting Claims 1 and 17 states that the data-storing means recited in these claims is met by the Bell oscillators as described at column 2, lines 54-59 of Bell. (It is assumed that the Examiner was referring to column 4 of Bell, not column 2, and it is this portion of the Bell specification that is discussed herein). That portion of Bell describes the operation of the receiver to indicate an angular borehole deviation in response to the frequency of the oscillator that is at that time energized.

What is lacking in Bell, as it was in the previously cited references, is the inclusion in the applicant's measuring apparatus and method, as defined in claims 1 and 17, of a memory that contains at each of a plurality of addresses or memory locations different stored distance-measurement data, each of which bears a unique one-to-one relationship with the one of a corresponding plurality of contacts to which those memory locations are respectively connected. When one of these contacts is contacted by the movable member, it applies a control voltage that causes only the distance-measurement data uniquely associated with that one contact to be read out from the data-storing means to an output display device, thereby to provide an indication of the distance traveled by the movable member along the arcuate path.

There is further no disclosure in Bell of an apparatus that measures the distance traveled by an object along a fixed, arcuate path or of the claimed member that moves along the fixed arcuate path by a distance corresponding to the distance traveled by the object whose distance of travel is being measured.

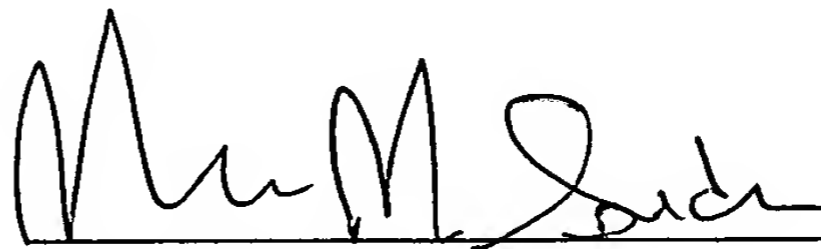
It is thus submitted that there is are several meaningful and clear distinction both in terms of structure and manner of operation between, for example, the applicant's claimed data-storing means and the plurality of oscillators utilized in the Bell apparatus. As noted above, there is nothing described in Bell in which a data-storing means includes a plurality of data-storing locations, which respectively store a different, unique distance measurement. The energized oscillator in Bell, in contrast, generates a signal of a specified frequency, which is detected in a receiver and then converted to an angular deviation measurement.

Thus, while there may be a superficial similarity between some aspects of applicant's claimed apparatus and method and that disclosed in Bell, the several meaningful distinctions between them, as described in greater detail above, render the rejection of those claims for anticipation by Bell inappropriate and the withdrawal of that rejection is deemed to be called for.

It is further submitted that these distinctions would not have been obvious to one of ordinary skill in the art in view of Bell considered alone or in any combination with any other of the cited prior art. In this connection, the Examiner has further rejected claims 3, 8, 11, and 16 for obviousness for obviousness over Bell in view of the newly cited Noy et al reference, relied on for its showing of a CPU in a well survey apparatus. Noy et al, however, fail to disclose anything more relevant to the applicant's claimed apparatus as described above than what is disclosed in Bell, and is accordingly not further discussed herein.

Based on the foregoing, it is submitted that the claims as herein submitted are allowable and patentable over the cited prior art. A prompt indication to this effect is respectfully solicited.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Marvin N. Gordon', written over a horizontal line.

Dated: June 27, 2006

Marvin N. Gordon  
Attorney for Applicant  
Reg. No. 23,094  
277 West End Avenue  
New York, NY 10023  
Tel and Fax: (212) 362-9384